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Bid for Marchetti Deletions Loses in U.S. Court

The nine-year-old effort to get disclosure of the 168 CIA deletions in Victor Marchetti's book, "The CIA and the Cult of Intelligence" (Knopf) has suffered another setback.

In the latest case, an appeals court in Richmond, Va., denied a witness in a Freedom of Information Act suit the right to reveal the deleted material to his attorney.

Morton Halperin, a National Security Council employee under Henry Kissinger, wanted to be able to reveal the information to his attorney in preparation for testimony last spring in a case in U.S. District Court in Alexandria, Va., which later denied disclosure of the deleted items to the public (PW, May 22).

The Center for National Security Studies (CNSS), of which Halperin is director, decided to appeal the FOIA decision to the Appeals Court in Richmond. But Halperin told that court that to properly prepare the case he still needed to be able to disclose the information to his attorney Mark Lynch, with whom Halperin is associated in the American Civil Liberties Union and CNSS.

The long-running dispute over the material began in 1972 when a court ordered Marchetti to submit his manuscript to the CIA before publishing. Knopf sued over the deletions and lost. The book was published in 1974 with 168 blank spaces signifying the deletions made. Halperin testified as an expert witness for Knopf, and to prepare for that testimony he was permitted access to the material deleted. But the court said at the time he was forbidden to disclose it.

Since then, the CNSS has been trying to force disclosure through FOIA actions, culminating in the District

Court suit filed last year. When that case came to trial, Halperin said he needed to be able to tell Lynch the information so they could prepare properly for the trial, at which Halperin appeared again as an expert witness. The court approved, subject to Lynch's getting a security clearance, but the government appealed.

The court said the plaintiffs failed to show a need for Lynch to have the information. Meanwhile, the CNSS lost its FOIA suit, despite a CNSS contention that much of the deleted material already was public and that the CIA had failed to show why the rest of it should not be.

H.F.